

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA

v.

BRIAN KIM SOUTHAM;
JOSE MANUEL SANTOS;
THOMAS JOSEPH FLOURNOY;
CARI KIM BOOTH;
HUNTER MELTON;
CHRISTOPHER ALAN BRAUN;
PEGGY LOUISE MARTINEZ; and
BRITNY WEHRI

I N D I C T M E N T

Case No. _____

Violations: 18 U.S.C. §§ 2, 922(g)(1),
922(g)(3), 924(a)(2), 924(c)(1)(A), and
924(d); 21 U.S.C. §§ 841(a)(1),
841(b)(1)(A)(viii), 841(b)(1)(C), and
846; 26 U.S.C. §§ 5841, 5861(d), and
5871; and 28 U.S.C. § 2461(c)

COUNT ONE

Conspiracy to Distribute Methamphetamine

The Grand Jury Charges:

Beginning in or about April 2015 and continuing until the date of this Indictment,
in the District of North Dakota, and elsewhere,

BRIAN KIM SOUTHAM;
JOSE MANUEL SANTOS;
THOMAS JOSEPH FLOURNOY;
CARI KIM BOOTH;
HUNTER MELTON;
CHRISTOPHER ALAN BRAUN;
PEGGY LOUISE MARTINEZ; and
BRITNY WEHRI

knowingly and intentionally combined, conspired, confederated, and agreed together and
with others, both known and unknown to the grand jury, to distribute and possess with
intent to distribute a mixture and substance containing a detectable amount of
methamphetamine, a Schedule II controlled substance, in violation of Title 21, United

States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

Drug Quantity

With respect to defendants BRIAN KIM SOUTHAM; JOSE MANUEL SANTOS; THOMAS JOSEPH FLOURNOY; and HUNTER MELTON, the amount involved in the conspiracy attributable to each of these defendants as a result of that defendant's own conduct, and the conduct of other conspirators reasonably foreseeable to that defendant, is 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, in violation of Title 21, United States Code, Section 841(b)(1)(A)(viii).

Overt Acts

In furtherance of this conspiracy and to effect and accomplish the objects of it, one or more of the conspirators committed the following overt acts:

1. It was a part of said conspiracy that the defendants and others would and did distribute, and possess with intent to distribute, methamphetamine, a Schedule II controlled substance, in the District of North Dakota, and elsewhere;
2. It was further a part of said conspiracy that the defendants and others would and did attempt to conceal their activities;
3. It was a further part of said conspiracy that the defendants and others would and did use United States currency in their drug transactions;

4. It was a further part of said conspiracy that one or more of the conspirators deposited and removed proceeds of drug distribution activity through wire money services in North Dakota and elsewhere;

5. It was a further part of said conspiracy that the defendants and others would and did use telecommunication facilities, including cellular telephones, to facilitate the distribution of methamphetamine, heroin, and other controlled substances;

6. It was a further part of said conspiracy that one or more conspirators traveled between Idaho and North Dakota, and elsewhere, to obtain methamphetamine for distribution in the District of North Dakota;

7. It was a further part of said conspiracy that one or more conspirators possessed firearms to protect and conceal their drug trafficking activity;

8. It was a further part of said conspiracy that one or more conspirators utilized physical violence to control the activities of the other conspirators; and,

9. It was a further part of said conspiracy that one or more conspirators used motor vehicles for transporting methamphetamine;

In violation of Title 21, United States Code, Section 846; Pinkerton v. United States, 328 U.S. 640 (1946).

COUNT TWO

Distribution of Methamphetamine

The Grand Jury Further Charges:

From in or about April 2015 and continuing until the date of this Indictment, in the District of North Dakota,

BRIAN KIM SOUTHAM;
JOSE MANUEL SANTOS;
THOMAS JOSEPH FLOURNOY;
CARI KIM BOOTH;
HUNTER MELTON;
CHRISTOPHER ALAN BRAUN;
PEGGY LOUISE MARTINEZ; and
BRITNY WEHRI,

individually and by aiding and abetting, knowingly and intentionally distributed a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

Drug Quantity

With respect to defendants BRIAN KIM SOUTHAM; JOSE MANUEL SANTOS; THOMAS JOSEPH FLOURNOY; and HUNTER MELTON, the amount involved in the conspiracy attributable to each of these defendants as a result of that defendant's own conduct, and the conduct of other conspirators reasonably foreseeable to that defendant, is 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine;

In violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(viii), and 841(b)(1)(C), and Title 18, United States Code, Section 2.

COUNT THREE

Possession of a Firearm in Furtherance of a Drug Trafficking Crime

The Grand Jury Further Charges:

On or about July 5, 2015, in the District of North Dakota,

JOSE MANUEL SANTOS,

during and in relation to a drug trafficking crime for which JOSE MANUEL SANTOS may be prosecuted in a court of the United States, namely, (i) Conspiracy to Distribute and Possess with Intent to Distribute Methamphetamine, as alleged in Count One of this Indictment; and (ii) Distribution of Methamphetamine, as alleged in Count Two of this Indictment; possessed a firearm, namely, (a) one Smith and Wesson, Model SD40VE, .40 S & W caliber pistol, serial number PDK0133; and (b) one Jennings (Bryco Arms), Model 59, 9mm pistol, serial number 766806;

In violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT FOUR

Possession of a Firearm and Ammunition by a Convicted Felon

The Grand Jury Further Charges:

On or about July 5, 2015, in the District of North Dakota,

JOSE MANUEL SANTOS,

having been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, to wit:

- (a) Trafficking in Methamphetamine (Count 1) and Trafficking in Cocaine (Count IV), in Bonneville County, Idaho, court case number CR-98-673, in or about October 1998;
- (b) Possession of a Controlled Substance – Meth, in Bonneville County, Idaho, court case number CR-09-2497, in or about May 2009; and
- (c) Possession of a Controlled Substance - Meth, in Bonneville County, Idaho, court case number CR-10-6315, in or about June 2010;

did knowingly possess in and affecting commerce one or more firearms, namely:

- (a) One Smith and Wesson, Model SD40VE, .40 S & W caliber pistol, serial number PDK0133; and,
- (b) One Jennings (Bryco Arms), Model 59, 9mm pistol, serial number 766806;

and did knowingly possess in and affecting commerce ammunition, namely:

- (a) Sixty-one (61) rounds of Blazer 9mm ammunition;
- (b) One (1) round of Perfecta, 9mm ammunition;
- (c) Thirty-two (32) rounds of Remington, .40 S&W ammunition;

(d) Four (4) rounds of CCI, .357 Magnum ammunition; and,

(e) Ten (10) rounds of .40 S&W ammunition;

In violation of Title 18, United States Code, Sections 2, 922(g)(1), and 924(a)(2).

COUNT FIVE

Possession of Methamphetamine with Intent to Distribute

The Grand Jury Further Charges:

On or about July 5, 2015, in the District of North Dakota,

JOSE MANUEL SANTOS

knowingly and intentionally possessed with intent to distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance;

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

COUNT SIX

Possession of a Firearm and Ammunition by a Convicted Felon

The Grand Jury Further Charges:

On or about July 16, 2015, in the District of North Dakota,

THOMAS JOSEPH FLOURNOY,

having been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, to wit:

- (a) Issuing Bad Checks, in Richland County, Montana, court case number DC-09-15, in or about November 2009;
- (b) Possession of a Controlled Substance – Methamphetamine, in Orange County, California, court case number 01NF1238, in or about May 2001;
- (c) Possession of a Controlled Substance - Methamphetamine, in Orange County, California, court case number 01NF1759, in or about October 2001; and,
- (d) Posession of a Controlled Substance – Cocaine, in Orange County, California, court case number 02NF0934, in or about March 2002;

did knowingly possess in and affecting commerce one or more firearms, namely:

- (a) One Sig Sauer, Model P229, .40 S&W caliber pistol, serial number AL38322;
- (b) One JP Sauer & Sohn, Model Western Six Shooter, .22 LLR caliber revolver, serial number 39677;
- (c) One Carl Walther, Model P22, .22 caliber pistol, serial number L177774;
- (d) One Taurus, Model PT 732, .32 caliber pistol, serial number 69835B;
- (e) One Masterpiece Arms, unknown model, .45 caliber pistol, serial number A0158;
- (f) One Eddystone Arsenal (Remington), Model U.S. Model 1917, .30-06 caliber rifle, serial number 28838;

(g) One Thompson Center, Model Encore Pro Hunter, .270 Win caliber rifle, serial number PS29226; and,

(h) One Mossberg, Model 500A, 12-gauge shotgun, serial number P463874;

and did knowingly possess in and affecting commerce ammunition, namely:

(a) Ten (10) rounds of Federal .22 ammunition;

(b) Ten (10) rounds of Winchester/Hornady, .30-06 Springfield/.270 Win ammunition; and,

(c) Nine (9) rounds of Remington/Federal, .22 ammunition;

In violation of Title 18, United States Code, Sections 2, 922(g)(1), and 924(a)(2).

COUNT SEVEN

Possession of a Short-Barreled Shotgun

The Grand Jury Further Charges:

On or about July 16, 2015, in the District of North Dakota,

THOMAS JOSEPH FLOURNOY and
CARI KIM BOOTH,

individually and by aiding and abetting, knowingly and intentionally received and possessed a firearm, namely, a Mossberg, Model 500A, 12-gauge shotgun, serial number P463874, that had a barrel of less than 18 inches in length and such firearm was not registered to THOMAS JOSEPH FLOURNOY or CARI KIM BOOTH in the National Firearms Registration and Transfer Record;

In violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

COUNT EIGHT

Possession of Methamphetamine with Intent to Distribute

The Grand Jury Further Charges:

On or about July 15, 2015, in the District of North Dakota,

THOMAS JOSEPH FLOURNOY and
CARI KIM BOOTH,

individually and by aiding and abetting, knowingly and intentionally possessed with intent to distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance;

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

COUNT NINE

Possession of Heroin with Intent to Distribute

The Grand Jury Further Charges:

On or about July 15, 2015, in the District of North Dakota,

THOMAS JOSEPH FLOURNOY and
CARI KIM BOOTH,

individually and by aiding and abetting, knowingly and intentionally possessed with intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance;

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

COUNT TEN

Possession of a Firearm in Furtherance of a Drug Trafficking Crime

The Grand Jury Further Charges:

On or about July 15, 2015, in the District of North Dakota,

THOMAS JOSEPH FLOURNOY,

during and in relation to a drug trafficking crime for which THOMAS JOSEPH FLOURNOY may be prosecuted in a court of the United States, namely, (i) Conspiracy to Distribute and Possess with Intent to Distribute Methamphetamine, as alleged in Count One of this Indictment; (ii) Distribution of Methamphetamine, as alleged in Count Two of this Indictment; (iii) Possession of Methamphetamine with Intent to Distribute, as alleged in Count Eight of this Indictment; and (iv) Possession of Heroin with Intent to Distribute, as alleged in Count Nine of this Indictment possessed a firearm, namely:

- (a) One Sig Sauer, Model P229, .40 S&W caliber pistol, serial number AL38322;
- (b) One JP Sauer & Sohn, Model Western Six Shooter, .22 LLR caliber revolver, serial number 39677;
- (c) One Carl Walther, Model P22, .22 caliber pistol, serial number L177774;
- (d) One Taurus, Model PT 732, .32 caliber pistol, serial number 69835B;
- (e) One Masterpiece Arms, unknown model, .45 caliber pistol, serial number A0158;
- (f) One Eddystone Arsenal (Remington), Model U.S. Model 1917, .30-06 caliber rifle, serial number 28838;

(g) One Thompson Center, Model Encore Pro Hunter, .270 Win caliber rifle, serial number PS29226; and,

(g) One Mossberg, Model 500A, 12-gauge shotgun, serial number P463874;

In violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT ELEVEN

Possession of a Firearm by a Drug User

The Grand Jury Further Charges:

On or about July 16, 2015, in the District of North Dakota,

CHRISTOPHER ALAN BRAUN,

then being an unlawful user of, and addicted to, a controlled substance as defined in 21 U.S.C. § 802, did knowingly possess in and affecting commerce a firearm, namely:

- (a) One Century Arms Inc., Model Centurion 39 Sporter, .762 x 39 caliber rifle, serial number 39NC14554;
- (b) One Maverick Arms, Model 88, 12-gauge shotgun, serial number MV46340S;
- (c) One Masterpiece Arms, unknown model, 9mm caliber pistol, serial number B14334;
- (d) One CBC (Companhia Brazileria Cartuchos), Model 715T, .22 caliber rifle, serial number ELL3593794;
- (e) One Glock, Model 23Gen4, .40 caliber pistol, serial number VZT158;
- (f) One Butler & Associates, unknown model, .22 caliber derringer, serial number B56255; and,
- (g) One JC Higgins, Model 20, 12-gauge shotgun, with an obliterated serial number;

In violation of Title 18, United States Code, Sections 2, 922(g)(3), and 924(a)(2).

COUNT TWELVE

Possession of a Short-Barreled Shotgun

The Grand Jury Further Charges:

On or about July 17, 2015, in the District of North Dakota,

CHRISTOPHER ALAN BRAUN

knowingly and intentionally received and possessed a firearm, namely, a JC Higgins, Model 20, 12-gauge shotgun, with an obliterated serial number, that had a barrel of less than 18 inches in length, and such firearm was not registered to CHRISTOPHER ALAN BRAUN in the National Firearms Registration and Transfer Record;

In violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

COUNT THIRTEEN

Possession of Methamphetamine with Intent to Distribute

The Grand Jury Further Charges:

On or about July 17, 2015, in the District of North Dakota,

CHRISTOPHER ALAN BRAUN

knowingly and intentionally possessed with intent to distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance;

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION-ONE

The Grand Jury Further Finds Probable Cause That:

Upon conviction of Counts Three and Four as alleged in this Indictment,

JOSE MANUEL SANTOS

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of the offense, including, but not limited to, the following:

- One Smith and Wesson, Model SD40VE, .40 S & W caliber pistol, serial number PDK0133;
- One Jennings (Bryco Arms), Model 59, 9mm pistol, serial number 766806;
- Sixty-one (61) rounds of Blazer 9mm ammunition;
- One (1) round of Perfecta, 9mm ammunition;
- Thirty-two (32) rounds of Remington, .40 S&W ammunition;
- Four (4) rounds of CCI, .357 Magnum ammunition; and,
- Ten (10) rounds of .40 S&W ammunition.

FORFEITURE ALLEGATION-TWO

The Grand Jury Further Finds Probable Cause That:

Upon conviction of Counts Six, Seven, and Ten as alleged in this Indictment,

**THOMAS JOSEPH FLOURNOY and
CARI KIM BOOTH**

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of the offense, including, but not limited to, the following:

- One Sig Sauer, Model P229, .40 S&W caliber pistol, serial number AL38322;
- One JP Sauer & Sohn, Model Western Six Shooter, .22 LLR caliber revolver, serial number 39677;
- One Carl Walther, Model P22, .22 caliber pistol, serial number L177774;
- One Taurus, Model PT 732, .32 caliber pistol, serial number 69835B;
- One Masterpiece Arms, unknown model, .45 caliber pistol, serial number A0158;
- One Eddystone Arsenal (Remington), Model U.S. Model 1917, .30-06 caliber rifle, serial number 28838;
- One Thompson Center, Model Encore Pro Hunter, .270 Win caliber rifle, serial number PS29226;
- One Mossberg, Model 500A, 12-gauge shotgun, serial number P463874;
- Ten (10) rounds of Federal .22 ammunition;
- Ten (10) rounds of Winchester/Hornady, .30-06 Springfield/.270 Win ammunition; and,
- Nine (9) rounds of Remington/Federal, .22 ammunition.

FORFEITURE ALLEGATION-THREE

The Grand Jury Further Finds Probable Cause That:

Upon conviction of Counts Eleven and Twelve as alleged in this Indictment,

CHRISTOPHER ALAN BRAUN

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), all firearms involved in the commission of the offense, including, but not limited to, the following:

- One Century Arms Inc., Model Centurion 39 Sporter, .762 x 39 caliber rifle, serial number 39NC14554;
- One Maverick Arms, Model 88, 12-gauge shotgun, serial number MV46340S;
- One Masterpiece Arms, unknown model, 9mm caliber pistol, serial number B14334;
- One CBC (Companhia Brazileria Cartuchos), Model 715T, .22 caliber rifle, serial number ELL3593794;
- One Glock, Model 23Gen4, .40 caliber pistol, serial number VZT158;
- One Butler & Associates, unknown model, .22 caliber derringer, serial number B56255; and,
- One JC Higgins, Model 20, 12-gauge shotgun, with an obliterated serial number.

A TRUE BILL:

/s/ Grand Jury Foreperson

Foreperson

/s/ Christopher C. Myers

CHRISTOPHER C. MYERS

United States Attorney

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